

16-1150 HALL V. HALL

DECISION BELOW: 679 Fed.Appx. 142

LOWER COURT CASE NUMBER: 15-1564

QUESTION PRESENTED:

The deadline for filing an appeal has "jurisdictional consequences" and "should above all be clear." *Budinich v. Becton Dickinson & Co.*, 486 U.S. 196, 202 (1988). The deadline is measured from the entry of final judgment. 28 U.S.C. § 1291; Fed. R. App. P. 4. Despite the need for clarity, for at least forty-five years the courts of appeals have disagreed as to when their jurisdiction attaches if cases are consolidated and a final judgment is entered in only one of the cases.

The split and lack of clarity have widened with the passage of time-there are four different circuit rules for determining appellate jurisdiction in consolidated cases. This Court has twice set out to resolve the fourway split. The Court granted certiorari in *Erickson v. Maine Central Railroad Co.*, 498 U.S. 807 (1990); but subsequently dismissed the petition. 498 U.S. 1018 (1990) (mem.). The Court again granted certiorari and partially addressed the split in *Gelboim v. Bank of Am. Corp.*, 135 S.Ct. 897 (2015).

Gelboim held that for cases consolidated in multidistrict litigation, a final judgment in a single case triggers the "appeal-clock" for that case. But, by limiting its holding to multidistrict litigation, *Gelboim* left the split unresolved for cases consolidated in a single district under Fed. R. Civ. P. 42.

The question presented is:

Should the clarity *Gelboim* gave to multidistrict cases be extended to single district consolidated cases, so that the entry of a final judgment in only one case triggers the appeal-clock for that case?

CERT. GRANTED 9/28/2017